

Proposed Arguments

This is in response to the non-final rejection dated March 19, 2010. Applicant has amended Claims 1-5 and 7-9 as set forth above. All the features of the amended claims are fully supported by the originally filed application. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, Claims 1-9 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Discussion of Interview Summary

Applicant appreciates advices of Examiner Andrew T. Kirsch and his Supervisor Anthony Stashick at the interview of 3 August 2010 and subsequent Examiner's Interview Summary dated 5 August 2010, noting that *Applicant was urged by the Examiner to contract between structures which directly form the "hermetic seal" and those structures which merely engage or hold the sealing structures in place. Applicant to consider language which would change part 110 from a "hermetic sealing part" to a "hermetic seal holding part" in an amendment to follow.* In full compliance with the Examiner's teaching at the interview, Applicant has amended claims with necessary changes and clarified wordings of the claims.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected Claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,147,059 ("Olsen") in view of U.S. Patent No. 4,089,571 ("Landy") and U.S. Patent No. 3,858,742 ("Grussen"). Applicant respectfully disagrees but has amended Claims 1 and 2 to clarify the inventive points in compliance with the Examiner's teaching at the 3 August 2010 interview.

Claim 1 of the Instant Application (Emphasis added)

A one touch-type container stopper, comprising:

a hermetically sealing holding part having a hermetically sealing upper end and a plurality of first supporting protrusions at a lower end thereof, the first supporting protrusions being formed to protrude inwardly such that they are elastically supported along an outer peripheral surface of a mouth of the container such that the hermetically sealing upper end of

the hermetically sealing holding part is fitted hermetically due to the elastic supporting around the mouth to seal the container, wherein each of the first supporting protrusions is laterally formed with a hollow portion having a lower end cut; and

a cover part having a hinge part formed integrally with and extending from the first supporting protrusions and then bent, and a plurality of second supporting protrusions at a lower end thereof to protrude inwardly therefrom, each of the plurality of second supporting protrusions being connected to a corresponding one of the plurality of first supporting protrusions through the hinge part, the cover part being positioned outside of the hermetically sealing holding part,

wherein the second supporting protrusions are connected to one another through a band member, so as to prevent the stopper from being opened with the band member not broken,

wherein the plurality of second supporting protrusions are formed integrally with the first supporting protrusions to protrude diametrically inwardly,

wherein when the hermetically sealing upper end of the hermetically sealing holding part is pressed down and the cover part is simultaneously pulled upward at a plurality of ridges formed along an edge of the upper end of the cover part, the lower ends of the hermetically sealing holding part and the cover part connected through the hinge part are elastically deformed so that the first and second supporting protrusions are flared outwardly while pivoting outwardly,

wherein the band member is constructed to be broken when the second supporting protrusions are expanded due to an external force and thus tension larger than a predetermined threshold is exerted on the band member.

As discussed in the above, the amended Claim 1 of the instant application includes a hermetically sealing holding part (110) having a hermetically sealing upper end and a plurality of first supporting protrusions (111), a cover part (120) having a hinge part (121), a plurality of second supporting protrusions (122) connected to the first supporting protrusions (111) through the hinge part (121).

The sealing is obtained by engaging of the first supporting protrusions (111) of the stopper and the first catching projection (210) of the container. That is, the first supporting protrusions (111) provides an elastic supporting to the hermetically sealing holding part (110)

such that the hermetically sealing upper end of the hermetically sealing part (110) fits to the mouth of and seals the container directly. (See Figs. 2, 3, and 5)

In contrast, the sealing in Olsen is provided by the seal concavity (30) of the inner face of the side wall (28) receiving the outer rim edge (16) of the bowl (12). And the fulcrum rib (50) works just as a fulcrum for the annular lever section (22). (See Fig. 8; col. 3, lines 43-53, and col. 4, lines 47-61)

The element (50) does *not* teach or suggest a hermetically sealing part of the present invention, *but* is used in order to lift the side wall (28) by pushing down the lever section (22). That is exactly why the element (50) is called a “fulcrum rib.” (See Fig. 7)

The above deficiencies of Olsen are *not* cured by Landy or Grussen, either. Therefore, Applicant respectfully submits that Olsen, Landy, Grussen, or their combination does *not* teach or suggest the amended Claims 1-6. Withdrawal of the rejections is requested respectfully.

Claims 7-9

The Examiner rejected Claims 7-9 under 35 U.S.C. §103(a) as being unpatentable over Olsen in view of Landy and Grussen and further in view of U.S. Patent No. 4,500,006 (“La Fortuna”). Applicant respectfully disagrees with the Examiner. Still, Applicant has amended Claims 7 and 8 for clarifying the inventive points of the present invention.

As discussed above with regard to Claims 1 and 2, Olsen, Landy, and Grussen do *not* teach or suggest the inventive points of the present invention, and La Fortuna does *not* cure the deficiencies of Olsen and Grussen. Therefore, Applicant respectfully submits that Olsen, Landy, Grussen, La Fortuna, or their combination does *not* teach or suggest the amended Claims 7-9. Withdrawal of the rejections is requested respectfully.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that claims 1-9 are in condition for allowance, and such action is respectfully solicited, if required,

under the *Examiner's Amendment*. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

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